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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,525	04/15/2004	Yuji Kanome	03500.018076	6590
5514 7590 03/12/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER MCCLAIN, GERALD	
			ART UNIT	PAPER NUMBER
			3653	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/824,525

Applicant(s)

KANOME ET AL.

Examiner

Gerald W. McClain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The amendment filed 31 January 2007 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 and 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

All rejections to claim 1 below also apply to claim 19.

In claims 1, it is not clear how "the second stacking portion moves" (see lines 7-10 in Claim 1).

Multiple claims, including Claim 1, recite the limitation "the sheet supplying direction" in multiple lines. There is insufficient antecedent basis for this limitation in the claims.

The term "smoothed" in claim 12 is indefinite.

Claim 16 recites the limitation "the line". There is insufficient antecedent basis for this limitation in the claim. Claim 16 is not dependent to claim 15 where "a line" is stated.

Multiple claims, including Claim 3, recite the limitation "the sheets" in multiple lines. There is insufficient antecedent basis for this limitation in the claims. It is unclear which one of "the sheets" of claim 1 is being referenced.

Multiple claims, including Claim 4, recite the limitation "the retreat position" in multiple lines. There is insufficient antecedent basis for this limitation in the claims.

Multiple claims, including Claim 4, recite the limitation "the possible-of-supplying position" in multiple lines. There is insufficient antecedent basis for this limitation in the claims.

Multiple claims, including Claim 4, recite the limitation "the sheet supplying route" in multiple lines. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 and 19-20, as understood by the Examiner, are rejected under 35 U.S.C. 102(b) as being anticipated by a Hewlett-Packard OfficeJet 600 Series Device ("HPOJ"; see the attached "Examiner's Exhibit A").

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Claims 1, 2, and 19: first stacking portion (3B; see the attached "Examiner's Exhibit A", page 3, letter B); second stacking portion (3C); (NOTE: in lines 7-10, the conditional phrases are construed such that they do not occur.)

Claims 1, 2, and 19: supplying roller (NOTE: there is implicitly a roller provided in HPOJ; either the first stacking portion or the second stacking portion is supplied by the supplying roller, but not necessarily both);

Claims 3 and 4: sheet supplying route blocking means (2D); an end portion of the sheet (4D); a sheet supplying route (3G);

Claim 5: a regulating portion (24);

Claim 6: second stacking portion (3C);

Claim 7: guide means (2C);

Claims 8: a shape protruding on the upstream side (2C);

Claims 9 and 10: cover means (3H);

Claims 11: regulating means (3J);

Claims 20: an inkjet type (5B).

Claims 1 and 12, as understood by the Examiner, are rejected under 35 U.S.C. 102(b) as being anticipated by Jang (U.S. 6,315,280).

Claim 1: first stacking portion (21); second stacking portion (11); supplying roller (31);

Claim 12: a final limit forward portion (53); a protruded portion (24).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13, as understood by the Examiner, is rejected under 35 U.S.C. 103(a) as being unpatentable over HPOJ in view of Jang and Watanabe, et al (U.S. 5,109,236) ("Watanabe"). HPOJ teaches all the limitations of the claim as discussed above. HPOJ does not directly show a sheet type discriminating sensor or a tray position detecting sensor.

Watanabe shows said sheet type discriminating sensor (1, 2) for the purpose of determining the type of the sheets (entire abstract). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify HPOJ as taught by Watanabe and include Watanabe's index sheet type discriminating sensor for the purpose of determining the type of the sheets.

In addition, Jang shows a tray position detecting sensor for sensing whether documents are loaded (abstract, line 4). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify HPOJ as taught by Jang and include Jang's tray position detecting sensor for sensing whether documents are loaded.

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Claims 14-16, as understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over HPOJ. HPOJ teaches all the limitations of the claims as discussed above. HPOJ does not directly show an index on the first stacking portion as a line or a character.

HPOJ shows said index on the first stacking means as a line or a character for the purpose of indicating the size of the sheet (3E). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify HPOJ as taught by HPOJ and include HPOJ's index as a line or character on the second stacking means for the purpose of indicating the size of the sheet.

Claims 18, as understood by the Examiner, is rejected under 35 U.S.C. 103(a) as being unpatentable over HPOJ in view of Teo, et al (U.S. 6,942,211) ("Teo"). HPOJ teaches all the limitations of the claims as discussed above. HPOJ does not directly show a cover member or a sub cover member.

Teo shows said cover member (108) and sub cover member (120) for the purpose of folding up out of the way when necessary (column 2, line 52). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify HPOJ as taught by Teo and include Teo's cover member and sub cover member for the purpose of folding up out of the way when necessary.

Response to Amendment

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The modifications to the specification and drawings have been noted. The subsequent objections are thereby withdrawn.

The changes made necessary by the rejections under the second paragraph of 35 U.S.C. 112 have been noted and **some** rejections have been withdrawn. However, there are subsequent rejections that have not been addressed in addition to the necessity of drawing further rejections as noted above.

The prior art used in the 35 U.S.C. 102(b) and 35 U.S.C. 103(a) rejections stand. In reference to the phraseology of claims 1 and 19, the use of conditional phrases ("movable" and "when") allows for broad interpretation of the claims such that certain conditions do not have to occur. These cases have been interpreted as not necessarily occurring. Therefore, the prior art reads on all claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald W. McClain whose telephone number is (571) 272-7803. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571) 272-6916. The fax phone


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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gerald W. McClain
Examiner
Art Unit 3653



DAVID H. BOLLINGER
PRIMARY EXAMINER 3/9/07